

Application No. 10/802,368
Amendment dated August 8, 2006
Reply to Office Action of June 9, 2006

Docket No.: 2929-0267P

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings add a boost pump 51 to Figure 2.

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

Claims 1-16, 24 and 25 are pending in the above application. By the above amendment, claims 17-23 have been cancelled.

The Office Action dated June 9, 2006, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below.

DRAWING OBJECTIONS

The objection to the drawings is addressed by the enclosed amendment to Figure 2 which adds a boost pump 51 to Figure 2. A reference to boost pump 51 has also been added to paragraph 0026 of the specification.

CLAIM OBJECTIONS

The grammatical error in claim 24 noted by the examiner has been addressed by the above amendment.

The remaining objections to the claims are respectfully traversed. The grounds for the objections appear to be that the claim language is not identical to the language used in the specification to describe a preferred embodiment of the invention. It is respectfully submitted that the claimed invention is not limited to the preferred embodiment and that the changes proposed by the examiner would unnecessarily limit the invention. As discussed below, it is respectfully submitted that the claims in their present form satisfy the requirements of the patent laws and regulations.

In 37 C.F.R. 1.75 it is provided that "The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." Further, as provided by MPEP 2173.02, in connection with the definiteness of claim language, "Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention

was made. In the present case, it is respectfully submitted that the meaning of the terms used in the claims was sufficiently clear for the examiner to understand in examining this application, would be understood by those of ordinary skill in the art, and satisfies the requirements of 37 C.F.R. 1.75.

Also relevant is the discussion in MPEP 2173.02 of claim language that 1) satisfies the requirements of 35 U.S.C. 112, second paragraph, but 2) that the examiner believes could be improved. Specifically, "...if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the applicant." No rejection of the claims under 35 U.S.C. 112, second paragraph has been raised, and therefore it appears that the examiner is providing suggestions for improving the language of the claims.

Section 2173.02 of the MPEP provides the following discussion of definite claim language:

If a claim recites "a suitable liquid such as the filtrate of the contaminated liquid to be filtered and solids of a filtering agent such as perlite, cellulose powder, etc." The mere use of the phrase "such as" in the claim does not by itself render the claim indefinite. ... The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q. 2d 1081, 1088 (Fed. Cir. 1986). If one skilled in the art is able to ascertain in the example above, the meaning of the terms "suitable liquid" and "solids of a filtering agent" in light of the specification, 35 U.S.C. 112, second paragraph, is satisfied. If upon review of the claim as a whole in light of the specification, the examiner determines that a rejection under 35 U.S.C. 112, second paragraph, is not appropriate in the above-noted example, but is of the opinion that the clarity and the precision of the language can be improved by the deletion of the phrase "such as" in the claim, the examiner may make such a suggestion to the applicant. If applicant does not accept the examiner's suggestion, the examiner should not pursue the issue. (emphasis added).

In the present case, it appears that the examiner has objected to applicant's choice of language and provided suggested changes. Applicant has considered these proposals, but does not believe the changes are appropriate and therefore does not accept this suggestion. Therefore, the objections to the language used in the claims is respectfully traversed.

CONCLUSION

Each issue raised in the Office Action dated June 9, 2006, has been addressed, and it is believed that claims 1-16, 24 and 25 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 8, 2006

Respectfully submitted,

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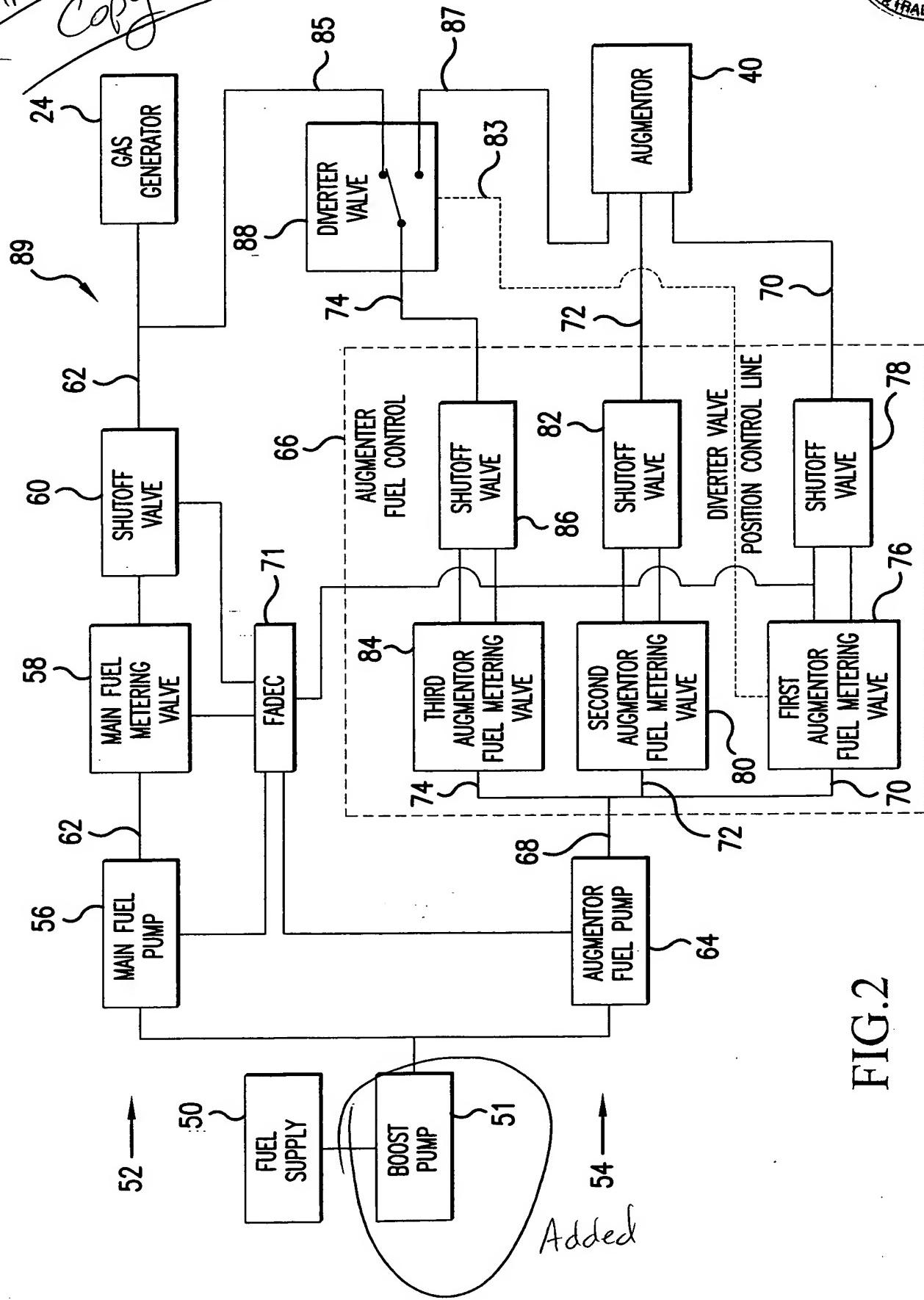


FIG.2